

REMARKS/ARGUMENTS

Claims 1-30 were originally presented for examination. In response to a restriction requirement, claims 19-25 were elected without traverse. Claims 1-18 and 26-30 were withdrawn from consideration. Claim 19-25 remain pending in this application. In an Official Office Action dated May 3, 2007, claims 19-21, 24 and 25 were rejected. Claims 22 and 23 were objected to but were found to be allowable if rewritten into independent form to include the limitations of the base and any intervening claim. The Applicant thanks the Examiner for his consideration and addresses the Examiner's comments concerning the claims pending in this application below.

Applicant herein amends claims 19 and 22 and respectfully traverses the Examiner's prior rejections. Claims 1-18, 20, 21 and 26-30 are cancelled without prejudice and no new claims are added. These changes are believed not to introduce new matter, and their entry is respectfully requested. The claims have been amended to expedite the prosecution and issuance of the application. In making this amendment, the Applicant has not and is not narrowing the scope of the protection to which the Applicant considers the claimed invention to be entitled and does not concede, directly or by implication, that the subject matter of such claims was in fact disclosed or taught by the cited prior art. Rather, the Applicant reserves the right to pursue such protection at a later point in time and merely seeks to pursue protection for the subject matter presented in this submission.

Based on the above amendment and the following remarks, Applicant respectfully requests that the Examiner reconsider all outstanding rejections and withdraw them.

35 U.S.C. §103(a) Obviousness Rejection of Claims

Claims 19 and 24-25 were rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,832,209 by Karp et al. ("Karp") in view of Louise Guey Lee, *Wind Energy Developments: Incentives in Selected Countries*, 1998 ("Lee"). Claims 20-21 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Karp in view of Lee in further view of *Wind Energy Training Course*, De Monfort University ("De Monfort"). Applicant respectfully traverses these rejections in light of the aforementioned amendment and respectfully requests reconsideration.

The Applicant's invention provides a method for creating a tax-advantaged investment fund associated with wind energy projects. As indicated in claims 19 and 22, the fund is created by combining both equity and debt financing in a unique manner. The debt portion may include either a single or dual tranche structure that may be amortized based on cash flow or by capital return.

The Applicant contends that neither Karp nor De Monfort teach or suggest such a process. The increasing cost of energy and raising interest in alternative energy production, including wind projects, makes the claimed formation of an investment fund a very attractive tax-advantaged option. While there are a multitude of ways to fund a venture, the tax incentives associated with energy production and specifically wind power projects, make this fund creation process unique.


In view of all of the above, the claims are now believed to be allowable and the case in condition for allowance which action is respectfully requested. Should the Examiner be of the opinion that a telephone conference would

expedite the prosecution of this case, the Examiner is requested to contact Applicant's attorney at the telephone number listed below.

No fee is believed due for this submittal. However, any fee deficiency associated with this submittal may be charged to Deposit Account No. 50-1123.

Respectfully submitted,

2 Aug, 2007


Michael C. Martensen, 46,901
Hogan & Hartson LLP
One Tabor Center
1200 17th Street, Suite 1500
Denver, Colorado 80202
(719) 448-5910 Tel
(303) 899-7333 Fax